

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
(CAMDEN VICINAGE)**

ROBERT J. MILLER, SR. Plaintiff,	:	
	:	
v.	:	CIVIL ACTION NO.
	:	
JUAN BARROSO and JOHN	:	
BARROSO TRUCKING and/or JOHN	:	
DOE, A&B PARTNERSHIP or XYZ	:	
CORP. (fictitious names) and/or	:	
RICHARD ROE, C&D	:	
PARTNERSHIP OR RST CORP.	:	
(fictitious names) and/or PETER POE,	:	
E&F PARTNERSHIP or ABC CORP.	:	
(fictitious names)	:	
Defendants.	:	

**TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ON NOTICE TO:

Steven L. Rothman, Esquire
Lipman Antonelli Batt Gilson Rothman & Capasso
110 North Sixth Street
PO Box 729
Vineland, NJ 08362
Attorneys for Plaintiff

PLEASE TAKE NOTICE that Defendants Juan Barroso and John Barroso Trucking hereby remove this action to this Federal Court pursuant to 28 U.S.C. §1332, 1441 and 1446, with full reservation of any and all defenses and objections.

In support of this Notice of Removal, Defendants Juan Barroso and John Barroso Trucking respectfully submit as follows:

1. On or about July 05, 2017, Plaintiff Robert J. Miller, Sr. filed a civil action in the Superior Court of New Jersey, Law Division, Cumberland County, styled as *Robert J. Miller, Sr. v. Juan Barroso and John Barroso Trucking and/or John Doe, A&B Partnership or XYZ Corp.*

(fictitious names) and/or Richard Roe, C&D Partnership or RST Corp. *(fictitious names)* and/or Peter Poe, E&F Partnership or ABC Corp. *(fictitious names)*, Docket No. CUM-L-483-17. A copy of the Complaint is attached and marked as Exhibit “A.”

2. Upon information and belief, the Complaint was served on Defendant Juan Barroso on September 18, 2017 but has not been served on Defendant John Barroso Trucking.

3. Pursuant to 28 U.S.C. §1446(a), Exhibits “A” and “B” contain all process, pleadings and Orders that have transpired in the State Court action as of the date of this filing.

4. The Superior Court of New Jersey, Cumberland County, is located within the district for the United States District Court for the District of New Jersey.

5. This Court has jurisdiction pursuant to 28 U.S.C. §1332, in that the true parties are completely diverse and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

6. Plaintiff alleges he suffered significant and permanent bodily injuries with pain and suffering as a result of the subject motor vehicle accident on November 10, 2015. Further, Plaintiff alleges he has been and will be caused to incur medical expenses in an attempt to affect a cure for his injuries and has been and will be caused to be unable to pursue his usual occupation and activities. See Exhibit “A” at First Count.

7. Plaintiff’s medical portfolio has been represented as including a June 20, 2016 operative report from West Jersey Hospital – Marlton documenting an anterior cervical discectomy, which counsel represents was casually related to the subject accident. See Operative Report attached as Exhibit “C.”

8. Based upon the allegations of the Complaint and consideration of the operative report, Defendants assert a good faith basis that the amount in controversy exceeds the requisite \$75,000 jurisdictional requirement.

9. Removal is timely pursuant to 28 U.S.C. §1446(b) in that this Petition is being filed before service of process was received by Defendant John Barroso Trucking, with said party consenting to this Removal Petition.

10. Upon information and belief, Plaintiff's residence and domicile is at 14 W. Deerfield Road, Bridgeton NJ, 08302. Thus, Plaintiff is a citizen of the State of New Jersey in accordance with 28 U.S.C. §1332. See Exhibit "A" at ¶1.

11. Defendant John Barroso Trucking is a limited liability company with its principal place of business at 1781 Pocosin Road, Winterville, NC 28590 and with individual Defendant Juan Barroso its sole member.

12. Defendant Juan Barroso is an adult individual who resides and is domiciled at 219 Monaco Road, Melbourne, FL 32904 which is his true, fixed and permanent home and place of habitation such as whenever he is absent, he has the intention of returning and thus he is a citizen of the State of Florida pursuant to 28 U.S.C. §1332.

13. Diversity exists as to these parties. See 28 U.S.C. §1332(a)(1).

14. In compliance with 28 U.S.C. § 1446(d), Defendants Juan Barroso and John Barroso Trucking will promptly serve the Superior Court of New Jersey, Cumberland County, Law Division with a docketed copy of the within Petition for Removal.

WHEREFORE, the Removing Defendants hereby give notice that the above action, now pending against them in the Superior Court of New Jersey, Cumberland County, is removed to the United States District Court for the District of New Jersey (Camden Vicinage).

Respectfully submitted,

PISANO LAW FIRM

By:



Matthew T. Pisano, Esquire (MP8104)
Pisano Law Firm
309 Fellowship Road
East Gate Center, Ste. 200
Mount Laurel, NJ 08054
Attorneys for Defendants
Juan Barroso and John Barroso Trucking

Date:

9/26/17

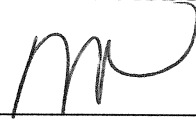
CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing Notice of Removal was served via electronic mail and first-class mail, postage pre-paid, upon the following on the date indicated below:

Steven L. Rothman, Esquire
Lipman Antonelli Batt Gilson Rothman & Capasso
110 North Sixth Street
PO Box 729
Vineland, NJ 08362

PISANO LAW FIRM

By:



Matthew T. Pisano, Esquire (MP8104)
Pisano Law Firm
309 Fellowship Road
East Gate Center, Ste. 200
Mount Laurel, NJ 08054
Attorneys for Defendants
Juan Barroso and John Barroso Trucking

Date:

9/26/17